

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

05 MAY -6 PM 3: 32

**STATE OF NEW MEXICO on the,
Relation of the State Engineer,**

Plaintiff,

v.

RAMON ARAGON, et al.,

Defendants.

69cv07941-BB-ACE

RIO CHAMA STREAM SYSTEM

**Subfile Nos. CHRU-004-0039
CHRU-003-0001**

CLERK-SANTA FE

**STATEMENT OF ISSUES OF DEFENDANTS ALFRED Q. PERALTA AND
ELIZABETH T. PERALTA**

In accordance with the April 20, 2005 instruction by Special Master Vickie L. Gabin, Defendant Alfred Q. Peralta and Elizabeth T. Peralta hereby submits a brief statement of issues for Subfile CHRU-003-0001 as follows:

Defendants, Alfred Q. Peralta and Elizabeth T. Peralta (Defendants Peralta), by and through their undersigned attorney, hereby submit a brief statement of issues for Subfile CHRU-003-0001 as follows:

On October 25, 1989, Defendants Peralta, as purchasers, entered into a real estate contract with D.K. Davis for the purchase of certain real estate in Rio Arriba County, New Mexico, together with ten (10) acre feet of water rights.

By Warranty Deed dated October 25, 1989, recorded in Book 181, Page 657 of the records of Rio Arriba County, New Mexico, D.K. Davis conveyed to Defendants

7851

Peralta the lands as described in the real estate contract dated October 25, 1989. This conveyance included ten (10) acre feet of water rights.

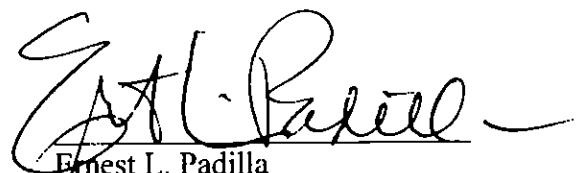
Thereafter Defendants Peralta conveyed the lands and water rights covered by the real estate contract and warranty deed to themselves as trustees of the Peralta Revocable Living Trust dated April 1, 1992. Another Correction Special Warranty Deed between D.K. Davis and Defendants Peralta was executed on December 16, 1994, to essentially acknowledge the trustee status of Defendants Peralta under the Peralta Revocable Living Trust.

By instrument entitled New Mexico State Engineer Office Change of Ownership of Water Right dated June 29, 1999, recorded in Book 255, Pages 22, 23 of the records of Rio Arriba County, New Mexico, D.K. Davis acknowledged conveyance of ten (10) acre-feet of water rights to Defendants Peralta.

The foregoing title instruments clearly demonstrate that Defendants Peralta purchased ten (10) acre feet of water rights, not in any manner proportionately reduced based on original land ownership of D.K. Davis as proposed by Norm Voght, Inc.

Respectfully submitted,

PADILLA LAW FIRM, P.A.

A handwritten signature in black ink, appearing to read "Ernest L. Padilla", is written over a horizontal line.

Ernest L. Padilla
Post Office Box 2523
Santa Fe, New Mexico
87504-2523
(505) 988-7577


CERTIFICATE OF SERVICE

I hereby certify that a copy of Initial Disclosure of Documents and Witnesses of Defendants Alfred Q. Peralta and Elizabeth T. Peralta was sent via first class mail; postage prepaid, to the following persons on this ~~14th~~ day of ~~April~~ May, 2005.

Edward G. Newville, Esq.
Office of the State Engineer
P.O. Box 25102
Santa Fe, New Mexico 87504-5102

Cynthia A. Loehr, Esq,
Lewis and Roca, L.L.P
201 Third Street N.W.
Albuquerque, New Mexico 87102

Gary S. Friedman, Esq,
Cassutt, Hays & Friedman, PA
530 B Harkle Road
Santa Fe, NM 87505


ERNEST L. PADILLA